

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005, in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years old, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted, and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted, and murdered in 1993 by a career offender in California.

(12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1995.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2004.

(14) Amanda Brown, who was 7 years old, was abducted and murdered in Florida in 1998.

(15) Elizabeth Smart, who was 14 years old, was abducted in Salt Lake City, Utah in June 2002.

(16) Molly Bish, who was 16 years old, was abducted in 2000 while working as a lifeguard in Warren, Massachusetts, where her remains were found 3 years later.

(17) Samantha Runnion, who was 5 years old, was abducted, sexually assaulted, and murdered in California on July 15, 2002.

(Pub. L. 109-248, title I, §102, July 27, 2006, 120 Stat. 590.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 109-248, July 27, 2006, 120 Stat. 587, known as the Adam Walsh Child Protection and Safety Act of 2006. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

#### SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114-22, title V, §501, May 29, 2015, 129 Stat. 258, provided that: “This title [enacting section 16928a of this title] may be cited as the ‘Military Sex Offender Reporting Act of 2015’.”

#### SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-400, §1, Oct. 13, 2008, 122 Stat. 4224, provided that: “This Act [enacting sections 16915a and 16915b of this title, amending section 16981 of this title, and enacting provisions set out as a note under section 16981 of this title] may be cited as the ‘Keeping the Internet Devoid of Sexual Predators Act of 2008’ or the ‘KIDS Act of 2008’.”

#### SHORT TITLE

Pub. L. 109-248, §1(a), July 27, 2006, 120 Stat. 587, provided that: “This Act [enacting this chapter, sections

3765, 3797ee, and 3797ee-1 of this title, chapter 109B and sections 2252C, 2257A, 2260A, 3299, and 4248 of Title 18, Crimes and Criminal Procedure, amending sections 671, 5772, 5780, 13032, and 14135a of this title, section 1101 of Title 8, Aliens and Nationality, sections 1001, 1153, 1154, 1201, 1227, 1466, 1467, 1591, 2241, 2242, 2243, 2244, 2245, 2251, 2252, 2252A, 2252B, 2253, 2254, 2255, 2257, 2258, 2260, 2422, 2423, 3142, 3509, 3559, 3563, 3583, 3592, 3621, 3771, 4042, 4209, 4241, and 4247 of Title 18, section 841 of Title 21, Food and Drugs, section 534 of Title 28, Judiciary and Judicial Procedure, repealing sections 14071 to 14073 of this title, enacting provisions set out as notes under sections 671, 5611, 13701, and 14071 of this title, sections 2251 and 2257 of Title 18, and provisions listed in a table relating to sentencing guidelines set out as a note under section 994 of Title 28, and amending provisions set out as notes under section 13751 of this title and section 951 of Title 10, Armed Forces] may be cited as the ‘Adam Walsh Child Protection and Safety Act of 2006’.”

Pub. L. 109-248, title I, §101, July 27, 2006, 120 Stat. 590, provided that: “This title [enacting this subchapter and chapter 109B of Title 18, Crimes and Criminal Procedure, amending sections 671, 5772, 5780, 13032, and 14135a of this title, sections 1001, 3563, 3583, 4042, and 4209 of Title 18, and section 534 of Title 28, Judiciary and Judicial Procedure, repealing sections 14071 to 14073 of this title, enacting provisions set out as notes under sections 671 and 14071 of this title and provisions listed in a table relating to sentencing guidelines set out as a note under section 994 of Title 28, and amending provisions set out as a note under section 951 of Title 10, Armed Forces] may be cited as the ‘Sex Offender Registration and Notification Act’.”

#### § 16902. Establishment of program

This chapter establishes the Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program.

(Pub. L. 109-248, title I, §103, July 27, 2006, 120 Stat. 591.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 109-248, July 27, 2006, 120 Stat. 587, known as the Adam Walsh Child Protection and Safety Act of 2006. For complete classification of this Act to the Code, see Short Title note set out under section 16901 of this title and Tables.

#### PART A—SEX OFFENDER REGISTRATION AND NOTIFICATION

#### § 16911. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators

In this subchapter the following definitions apply:

##### (1) Sex offender

The term “sex offender” means an individual who was convicted of a sex offense.

##### (2) Tier I sex offender

The term “tier I sex offender” means a sex offender other than a tier II or tier III sex offender.

##### (3) Tier II sex offender

The term “tier II sex offender” means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

- (i) sex trafficking (as described in section 1591 of title 18);
- (ii) coercion and enticement (as described in section 2422(b) of title 18);
- (iii) transportation with intent to engage in criminal sexual activity (as described in section 2423(a))<sup>1</sup> of title 18;
- (iv) abusive sexual contact (as described in section 2244 of title 18);

(B) involves—

- (i) use of a minor in a sexual performance;
- (ii) solicitation of a minor to practice prostitution; or
- (iii) production or distribution of child pornography; or

(C) occurs after the offender becomes a tier I sex offender.

#### **(4) Tier III sex offender**

The term “tier III sex offender” means a sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

- (i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18); or
- (ii) abusive sexual contact (as described in section 2244 of title 18) against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or

(C) occurs after the offender becomes a tier II sex offender.

#### **(5) Amie Zyla expansion of sex offense definition**

##### **(A) Generally**

Except as limited by subparagraph (B) or (C), the term “sex offense” means—

- (i) a criminal offense that has an element involving a sexual act or sexual contact with another;
- (ii) a criminal offense that is a specified offense against a minor;
- (iii) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of title 18;
- (iv) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note); or
- (v) an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

##### **(B) Foreign convictions**

A foreign conviction is not a sex offense for the purposes of this subchapter if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 16912 of this title.

<sup>1</sup>So in original. The second closing parenthesis probably should follow “18”.

#### **(C) Offenses involving consensual sexual conduct**

An offense involving consensual sexual conduct is not a sex offense for the purposes of this subchapter if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

#### **(6) Criminal offense**

The term “criminal offense” means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note)) or other criminal offense.

#### **(7) Expansion of definition of “specified offense against a minor” to include all offenses by child predators**

The term “specified offense against a minor” means an offense against a minor that involves any of the following:

- (A) An offense (unless committed by a parent or guardian) involving kidnapping.
- (B) An offense (unless committed by a parent or guardian) involving false imprisonment.
- (C) Solicitation to engage in sexual conduct.
- (D) Use in a sexual performance.
- (E) Solicitation to practice prostitution.
- (F) Video voyeurism as described in section 1801 of title 18.
- (G) Possession, production, or distribution of child pornography.
- (H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
- (I) Any conduct that by its nature is a sex offense against a minor.

#### **(8) Convicted as including certain juvenile adjudications**

The term “convicted” or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18), or was an attempt or conspiracy to commit such an offense.

#### **(9) Sex offender registry**

The term “sex offender registry” means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

#### **(10) Jurisdiction**

The term “jurisdiction” means any of the following:

- (A) A State.
- (B) The District of Columbia.
- (C) The Commonwealth of Puerto Rico.
- (D) Guam.
- (E) American Samoa.
- (F) The Northern Mariana Islands.
- (G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 16927 of this title, a federally recognized Indian tribe.

**(11) Student**

The term “student” means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

**(12) Employee**

The term “employee” includes an individual who is self-employed or works for any other entity, whether compensated or not.

**(13) Resides**

The term “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives.

**(14) Minor**

The term “minor” means an individual who has not attained the age of 18 years.

(Pub. L. 109-248, title I, §111, July 27, 2006, 120 Stat. 591.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title note set out under section 16901 of this title and Tables.

**§ 16912. Registry requirements for jurisdictions**

**(a) Jurisdiction to maintain a registry**

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this subchapter.

**(b) Guidelines and regulations**

The Attorney General shall issue guidelines and regulations to interpret and implement this subchapter.

(Pub. L. 109-248, title I, §112, July 27, 2006, 120 Stat. 593.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title note set out under section 16901 of this title and Tables.

**§ 16913. Registry requirements for sex offenders**

**(a) In general**

A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

**(b) Initial registration**

The sex offender shall initially register—

- (1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

- (2) not later than 3 business days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

**(c) Keeping the registration current**

A sex offender shall, not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry. That jurisdiction shall immediately provide that information to all other jurisdictions in which the offender is required to register.

**(d) Initial registration of sex offenders unable to comply with subsection (b)**

The Attorney General shall have the authority to specify the applicability of the requirements of this subchapter to sex offenders convicted before the enactment of this chapter or its implementation in a particular jurisdiction, and to prescribe rules for the registration of any such sex offenders and for other categories of sex offenders who are unable to comply with subsection (b).

**(e) State penalty for failure to comply**

Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of this subchapter.

(Pub. L. 109-248, title I, §113, July 27, 2006, 120 Stat. 593.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (d) and (e), was in the original “this title”, meaning title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title note set out under section 16901 of this title and Tables.

This chapter, referred to in subsec. (d), was in the original “this Act”, meaning Pub. L. 109-248, July 27, 2006, 120 Stat. 587, known as the Adam Walsh Child Protection and Safety Act of 2006, which was approved July 27, 2006. For complete classification of this Act to the Code, see Short Title note set out under section 16901 of this title and Tables.

**§ 16914. Information required in registration**

**(a) Provided by the offender**

The sex offender shall provide the following information to the appropriate official for inclusion in the sex offender registry:

- (1) The name of the sex offender (including any alias used by the individual).
- (2) The Social Security number of the sex offender.
- (3) The address of each residence at which the sex offender resides or will reside.
- (4) The name and address of any place where the sex offender is an employee or will be an employee.
- (5) The name and address of any place where the sex offender is a student or will be a student.
- (6) The license plate number and a description of any vehicle owned or operated by the sex offender.